

Adopt Article 3, Chapter 9, Division 3, Title 13, California Code of Regulations, to read as follows:

Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices

Article 3. Off-Highway Recreational Vehicles and Engines

§ 2416. Applicability

(a)(1) This article applies to all new off-highway recreational vehicles produced on or after model year 2018, for sale, lease, use, and introduction into commerce in California. (See Note below.)

(2) New off-highway recreational vehicles, subject to any of the standards set forth in Article 3, shall be certified for use and sale by the Air Resources Board and covered by an Executive Order of Certification, pursuant to Section 2419.5 of this Article.

(b) Each part of this article is severable, and in the event that any part of this chapter or article is held to be invalid, the remainder of this article continues in full force and effect.

(c) This article includes provisions for certification, labeling requirements, emission standard enforcement, recall, and use restrictions.

Note: Under section 209(e)(2) of the Federal Clean Air Act (42 U.S.C. s 7543(e)(2), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.

§ 2417. Definitions.

(a) The definitions in Section 1900(b), Chapter 1, Division 3, Title 13, California Code of Regulations, apply with the following additions as defined on {adoption date}:

(1) "Abuse" as defined in Cal. Code Regs., tit.13, § 2441(a).

(2) "All-Terrain Vehicle (ATV)" as defined in Cal. Code Regs., tit.13, § 2411(a).

(3) "OHRV Certification Value" means the evaporative emissions value submitted by the manufacturer in the application for an Executive Order of Certification.

(4) "Compression-Ignition Engine" as defined in Cal. Code Regs., tit.13, § 2421(a).

(5) "Diurnal Emissions" means evaporative emissions resulting from the daily cycling of ambient temperatures and include resting losses, and permeation emissions, as measured according to test procedures incorporated in this Article.

(6) "Emission Control System" as defined in Cal. Code Regs., tit.13, § 2411(a).

(7) "End of the Assembly-Line" as defined in Cal. Code Regs., tit.13, § 2411(a).

(8) "Engine family" as defined in Cal. Code Regs., tit.13, § 2441(a).

(9) "Evaporative Emissions" as defined in Cal. Code Regs., tit.13, § 2752(a).

(10) "Evaporative Family" as defined in Cal. Code Regs., tit.13, § 2752(a).

(11) "Executive Order Holder" or "EO Holder" means any person or persons who obtain(s) an Executive Order of Certification for a complete evaporative system.

(12) "Executive Order of Certification" or as defined in Cal. Code Regs., tit.13, § 2752(a).

(13) "Fuel System" as defined in Cal. Code Regs., tit.13, § 2411(a).

(14) "Golf Cart" as defined in Cal. Code Regs., tit.13, § 2411(a).

(15) "Manufacturer" as defined in Cal. Code Regs., tit.13, § 2411(a).

(16) "Nominal Capacity" as defined in Cal. Code Regs., tit. 13, § 2752(a).

(17) "Nonconformity" or "Noncompliance" as defined in Cal. Code Regs., tit.13, § 2112(h).

(18) "Off-Highway Recreational Vehicle (OHRV)" means any vehicle powered by an off-highway recreational vehicle engine.

(19) "Off-Highway Recreational Vehicle Engines " or "Engines" as defined in Cal. Code Regs., tit. 13,§ 2411(a).

(20) "Off-Road Motorcycle" as defined in Cal. Code Regs., tit. 13,§ 2411(a).

(21) "Owner" as defined in Cal. Code Regs., tit.13, § 2180.1(a).

(22) "Permeation emissions" or "Permeation" means evaporative emissions that result from reactive organic gas molecules penetrating through the walls of fuel system components and evaporating on outside surfaces, as measured by test procedures incorporated in this Article. Permeation emissions are a component of diurnal emissions, as measured by test procedures incorporated in this Article.

(23) "Running Loss Emissions" or "Running Loss" means evaporative emissions from an Off-Highway Recreational Vehicle (OHRV) that occur while it is being operated.

(24) "Scheduled Maintenance" as defined in Cal. Code Regs., tit.13, § 2411(a).

(25) "SHED" as defined in Cal. Code Regs., tit.13, § 2752(a).

(26) "Small Volume Off-Highway Recreational Vehicle (OHRV) Manufacturer" means any vehicle manufacturer with a three-year average California sales less than or equal to 50 new off-highway recreational vehicles per model year in California for all categories of OHRV combined.

(27) "Tampering" means removing, modifying, or disconnecting emissions-related parts, or, as it applies to emission control labels, in a manner that voids equipment certification.

(28) "Total Organic Gases" or "TOG" means all gases containing carbon, except carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

(29) "Vehicle Identification Number (VIN)" means an alphanumeric code which has been permanently assigned by the manufacturer to a vehicle.

(30) "Vehicle or Engine Manufacturer" as defined in Cal. Code Regs., tit.13, § 2035(c).

(31) "Warranty Period" as defined in Cal. Code Regs., tit.13, § 2035(c).

(32) "Zero Emission Vehicle" or "electric motorcycle" as defined in Cal. Code Regs., tit.13, § 2411(a).

(33) "TP-901" means "Test Procedure for Determining Permeation Emissions from Small Off-Road Engine Equipment Fuel Tanks", adopted July 26, 2004.

(34) "TP-933" means "Test Procedure for Determining Evaporative Emissions from Off-Highway Recreational Vehicles", adopted [adoption date]

§ 2418. Evaporative Emission Standards and Test Procedures

(a) This section applies to all off-highway recreational vehicles and engines used in such vehicles produced on or after model year 2018.

(1) The following recreational vehicles are not required to perform evaporative emission testing, as described in subsections (b) and (c). Manufacturers must meet the administrative requirements outlined in section 2419.5 to obtain an Executive Order of Certification for vehicles intended for sale in California.

(A) Vehicles certified solely to operate on diesel fuel

(B) Snowmobiles

(C) Zero emission vehicles

(b) For purposes of certification in California, manufacturers must comply with the following evaporative emission standards from new off-highway recreational vehicles that are sold, leased, used, or introduced into commerce in California.

(1) Evaporative emissions from off-highway recreational vehicles may not exceed the following limitations:

(A) The individual test standards in Table 1 can be met by selecting either option A or option B independently for each of the required tests. As an alternative to the running loss test, compliance may be demonstrated for fuel injected vehicles based on the gasoline tank vent design and fuel temperature criteria specified in section 2 of TP-933. The diurnal test for option A must be performed in a SHED. A pressure test is performed in option B, using a pressurized fuel system. Manufacturers testing under diurnal option B, must use fuel hoses that comply with the permeation standard in Table 2 of subsection (c)(1).

Table 1

<u>Vehicle and Model Year</u>	<u>Required Tests</u>	<u>Individual Test Standard (per test sequence)⁽¹⁾</u>		<u>Combined Test Standard (per test sequence)</u>
		<u>Option A or Option B</u>		
<u>Off-Highway Recreational Vehicles 2018 and subsequent model years</u>	<u>Running Loss</u>	<u>0.6 g TOG @ 35+/-2°C</u>	<u>0.5 g TOG @ 30+/-2°C</u>	<u>Cumulative sum of running loss, hot soak, and diurnal tests may not exceed 1.5 g TOG @ 35+/-2°C or 1.3 g TOG @ 30+/-2°C</u>
	<u>Hot Soak</u>	<u>0.6 g TOG @ 35+/-2°C</u>	<u>0.4 g TOG @ 30+/-2°C</u>	
	<u>Diurnal</u>	<u>1 g TOG⁽¹⁾</u>	<u>2 psi minimum</u>	
	<u>Fuel System Leakage Tip Test</u>	<u>No visible liquid leakage</u>		<u>No visible liquid leakage</u>
	<u>Carbon Canister Protection Tip Test</u>	<u>≤10% of carbon canister BWC</u>		<u>≤10% of carbon canister BWC</u>

⁽¹⁾ Highest 24 hour result in a 3 day period, not to exceed 1 g TOG.

(B) All-Terrain Vehicle Filler Neck Compatibility Standard

Beginning in model year 2018, all-terrain vehicles which have fuel tanks that are new or have been re-designed from 2017 and earlier model years and have a nominal capacity of 3.5 gallons or greater must meet the filler pipe sealing surface requirements of Figure 1 of the International Standards Organization 13331:1995(E). Perpendicularly down from the mating surface there must be a minimum of 120 mm (90 mm for nozzle, 5 mm for bellows compression and 25 mm for extra space fuel flow) to the bottom of the tank.

(2) The standards specified in subsection (b)(1)(A) shall be phased-in at a rate of at least 33 percent per model year of each manufacturer's total projected California sales of gasoline fueled, off-highway recreational vehicles beginning in model 2018 (i.e., 33 percent of 2018 model year vehicles; 67% of 2019 model year vehicles; and 100% of 2020 model year vehicles). All vehicles are

required to meet the federal permeation standards specified in section 2412 (b)(2).

(A) Notwithstanding the requirements of (b)(2), if the standards specified in subsection (b)(1)(A) are met by at least 67% of total projected California sales of gasoline fueled off-highway recreational vehicles for model years 2018 – 2021, then 100 percent compliance may be delayed until model year 2021.

(B) Notwithstanding the requirements of (b)(2), if the standards of this section are met by at least 75% of total projected California sales for model years 2018 – 2021, then 100 percent compliance may be delayed until model year 2021.

(c) Small-Volume Manufacturer Evaporative Emission Design Standard

(1) A small volume OHRV manufacturer must certify vehicles by demonstrating compliance with the evaporative emission standards set out in Table 1 from subsection (b)(1)(A) or can elect to certify to the design-based standards set out in Table 2. Vehicles that certify to the design-based standards are required to perform a tip-test, as specified in sections 4.4 and 6.1 of TP-933. All vehicles are required to meet the fuel tank permeation standards specified in section 2412 (b)(2) as defined on (adoption date).

Table 2

<u>Effective Date Model Year</u>	<u>Fuel Hose Permeation Grams/m²/day</u>	<u>Carbon Canister Working Capacity Grams/ liter of nominal fuel tank volume</u>	<u>Fuel Injection</u>
<u>2018 and subsequent model years</u>	<u>5.0@ 35°C (95°F)</u>	<u>1.0</u>	<u>Required</u>

(d) The test procedures for determining compliance with the standards in:

(1) subsection (b)(1)(A) are set forth in TP-933, adopted [adoption date], which is incorporated by reference herein.

(2) subsection (c)(1) are set forth in TP-901, adopted July 26, 2004, which is incorporated by reference herein.

(e)(1) During the manufacturer's production year, for each vehicle produced to sell in California, the manufacturer must provide the following information to the Executive Officer within 30 days after the last day in each calendar quarter:

(A) Vehicle identification numbers and an explanation of the identification code if applicable;

(B) Model number and engine size of vehicle;

(C) The total number of wholesale vehicles produced to sell in California and their applicable designated emissions standards.

(2) Production and sale of vehicles which result in non-compliance with the California standard for the model year shall cause a manufacturer to be subject to civil penalties, according to applicable provisions of the Health and Safety Code.

(3) For a period of up to one year following the end of the model year, for each model the manufacturer shall submit California sales data as it becomes available.

(f) Corporate Fleet Averaging

(1) Averaging Off-Highway Recreational Vehicle evaporative families test results can be used to certify vehicles to the standards in subsection (b)(1)(A). An off-highway recreational vehicle or engine manufacturer is eligible to certify by showing compliance using an averaging system with the following constraints:

(A) No evaporative family can emit at over 150% of the certification standard.

(B) Averaging evaporative families that are certified using different performance standards is not allowed.

(C) The average can only be calculated using test results from a single model year.

(D) Worst case model of vehicle within an evaporative family must be tested. Worst case model is defined as the vehicle expected to generate the highest test emissions.

(E) A manufacturer may average as many or as few evaporative emission families as they choose.

(F) Results are to be calculated with consistent units and rounded to the nearest tenth of a gram.

(2) Manufacturer compliance with this section is determined by comparing the average vehicle evaporative emissions with the standard at the end of each model year. A manufacturer is in compliance when the evaporative family average is below the performance standard that is used for certification in subsection (b)(1)(A).

§ 2419.1 Evaporative Emission Control Labels– New Off-Highway Recreational Vehicles

(a) Purpose. The Air Resources Board recognizes that off-highway recreational vehicles have specific emissions-critical or emissions-related parts that contribute to vehicular emissions. Such parts must be properly identified and maintained in order for off-highway recreational vehicles to comply with the applicable emission standards. An off-highway recreational vehicle manufacturer must attach a label (or labels) on each production vehicle (or engine) to provide the information necessary for proper vehicle identification and maintenance. Every certified off-highway recreational vehicle must be affixed with an evaporative emissions label.

(b) Applicability

(1) All off-highway recreational vehicles, produced on or after model year 2018, for sale, lease, use or introduction into commerce in California, and required to certify in section 2418 (a), must comply with evaporative emission labeling requirements. During the phase-in period, vehicles must comply in accordance with section 2418 (b)(2).

(2) All off-highway recreational vehicles must have a combined exhaust and evaporative emission label, required by section 2413 and section 2419.1. In the case that emissions control label requirements are duplicative, section 2419.1 labeling requirements will take precedence over section 2413 requirements.

(3) The responsibility for compliance with this section rests with the manufacturer who has been granted certification for vehicles produced to sell in California.

(c) Label Content and Location

(1) A certification label made of a permanent material shall be welded, riveted or otherwise permanently attached to an area on the off-highway recreational vehicle or engine in such a manner that the label will be readily visible to the average person after the engine installation. As used in these specifications, readily visible to the average person means:

**-DRAFT-
1/22/2013**

(A) That the information required to be printed on the off-highway recreational vehicle or engine must be no smaller than 2 millimeters in height.

(B) The label must be readable from a distance of 46 centimeters (18 inches).

(C) The label is in a readily accessible position where there are no equipment or engine parts (including all original off-road motorcycle manufacturer or engine manufacturer available optional equipment) except for flexible parts (e.g., vacuum hoses, ignition wires) that can be moved out of the way without disconnection, and underneath vehicle seat.

(2) In selecting an acceptable label location, the manufacturer shall consider the possibility of accidental damage (e.g., possibility of tools or sharp instruments coming in contact with the label). Each label shall be affixed in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any part that is likely to be replaced during the vehicle's useful life.

(3) The tune-up label shall be in the English language, and use block letters and numerals, which shall be of a color that contrasts with the background color of the label.

(4) The tune-up label shall contain the following information:

(A) A label heading that shall read: "Vehicle Emission Control Information". "EMISSION" or "EMISSIONS" means both exhaust and evaporative emissions on a combined label. In the case that a vehicle is exempt from exhaust emission requirements, the label must read, "Vehicle Evaporative Emission Control Information".

(B) The complete corporate name and trademark of the manufacturer. A manufacturer may request approval to delete its name and trademark, and substitute the name and trademark of another manufacturer, original off-highway recreational vehicle manufacturer, or third-party distributor. Such an approval does not relieve the manufacturer of complying with the requirements imposed by this Article.

(C) Engine family and evaporative family name and engine displacement (in cubic centimeters).

(D) Identification of the Evaporative Emission Control System
Abbreviations may be used and shall conform to the nomenclature and abbreviations found in the Society of Automotive Engineers' document J1930, which is incorporated by reference in section 1977, title 13, CCR,

entitled "Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations, and Acronyms."

(E) The tune-up specifications and adjustments recommended by the manufacturer. These specifications shall indicate the proper transmission position during tune-up and what accessories, if any, should be in operation, and what systems, if any (e.g., vacuum advance, air pump), should be disconnected during the tune-up. Any tune-up specifications or adjustment instructions that appear on labels shall be sufficiently clear and complete so as to preclude the need for a mechanic or vehicle owner to consult other references in order to correctly perform the adjustments. The manufacturer shall include the single statement: "No other adjustments needed," in lieu of any tune-up adjustment instruction, when the manufacturer does not recommend a tune-up specification or an adjustment.

(F) Any specific fuel or engine lubricant requirements (e.g., research octane number, engine lubricant type, etc.).

(G) An unconditional statement of compliance with the appropriate model year California regulations. For example, "This off-highway recreational vehicle conforms to (specify applicable model year) model-year new California regulations."

(H) Label requirements stated in section 2413 (c)(4) and section 2419 (c)(4) may not be placed on labels of off-highway recreational vehicles that do not comply with all applicable California regulations.

(5) A manufacturer may elect to use a supplemental label when the original label lacks sufficient space to include all the required information. A supplemental label shall conform to all of the specifications as the original label. The original label shall be indicated as "1 of 2" and the supplemental label shall be indicated as "2 of 2" whenever a supplemental label is utilized.

(6) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such off-highway recreational vehicle or engine conforms to any applicable federal emission standards for new off-highway recreational vehicles, or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of such off-highway vehicles or engines.

(7) The labels and any adhesives used shall be designed to withstand, for the off-highway recreational vehicle's total expected life, typical off-highway recreational vehicle environmental conditions at the location where a label has been attached. Typical off-highway recreational vehicle environmental conditions include, but are not limited to, exposure to engine fuels, lubricants

and coolants (e.g., gasoline, motor oil, brake fluids, ethylene glycol), engine operating temperatures, steam cleaning, and paints or paint solvents. The manufacturer must submit, with its certification application, a statement attesting that its labels comply with this requirement.

(8) The manufacturer must obtain approval from the Executive Officer for all emission control label formats and locations prior to certification. Approval of the specific tune-up specifications and adjustments is not required; however, the format for all such specifications and adjustments, if any, is subject to review. If the Executive Officer finds that the information on the label is vague or subject to misinterpretation, or that the location does not comply with these specifications, the Executive Officer may require that the label or its location be modified accordingly.

(9) Samples of all actual production emission control labels used within an engine family shall be submitted to the Executive Officer within thirty days after the start of production.

(10) The Executive Officer may approve alternate label locations or may, upon request and when the Executive Officer determines warranted, waive or modify one or more of the label content requirements, provided that the intent of this section is satisfied.

(11) If the Executive Officer finds any off-highway recreational vehicle or engine manufacturer using emission control labels that are different from those approved or that do not substantially comply with the readability or durability requirements set forth in this section, the Executive Officer may invoke Cal. Code Regs., tit.13, § 2109.

Note: Authority cited: Sections 39600, 39601, 43013, 43018 and 43107, Health and Safety Code. Reference: Sections 43013, 43018, 43102, 43104 and 43107, Health and Safety Code.

§ 2419.2 Defects Warranty Requirements for Evaporative Emission Systems of 2018 and Subsequent Model Off-Highway Recreational Vehicles.

(a) Applicability.

This section shall apply to the evaporative emission systems of MY 2018 and Subsequent Model Off-Highway Recreational Vehicles certifying to the standards set forth in section 2418. The warranty period shall begin on the date the vehicle is delivered to an ultimate purchaser.

(b) General Emissions Warranty Coverage.

The manufacturer of each off-highway recreational vehicle or engine shall warrant to the ultimate purchaser and each subsequent purchaser that the vehicle or engine is:

(1) Designed, built, and equipped so as to conform, at the time of sale, with all applicable regulations adopted by the Air Resources Board pursuant to its authority in chapters 1 and 2, part 5, division 26 of the Health and Safety Code; and

(2) Free from defects in materials and workmanship which cause the failure of a warranted part to be identical in all material respects to that part as described in the vehicle or engine manufacturer's application for certification.

(c) Warranty Period.

The warranty period applicable to this section shall be a period of use of five years or XXXX miles, or XXX hours, whichever comes first.

(d) Subject to the conditions and exclusions of subsection (j), the warranty on emissions-related parts shall function as follows:

(1) Any warranted part which is not scheduled for replacement as required maintenance in the written instructions required by subsection (e) shall be warranted for the warranty period defined in subsection (c). If any such part fails during the warranty period, it shall be repaired or replaced by the vehicle or engine manufacturer according to subsection (4). Any such part repaired or replaced under warranty shall be warranted for the remaining warranty period.

(2) Any warranted part which is scheduled only for regular inspection in the written instructions required by subsection (e) shall be warranted for the warranty period defined in subsection (c). A statement in such written instructions to the effect of "repair or replace as necessary" shall not reduce the period of warranty coverage. Any such part repaired or replaced under warranty shall be warranted for the remaining warranty period.

(3) Any warranted part which is scheduled for replacement as required maintenance in the written instructions required by subsection (e) shall be warranted for the period of time prior to the first scheduled replacement point for that part. If the part fails before the first scheduled replacement point, the part shall be repaired or replaced by the vehicle or engine manufacturer according to subsection (4). Any such part repaired or replaced under warranty shall be warranted for the remainder of the period prior to the first scheduled replacement point for the part.

(4) Repair or replacement of any warranted part under the warranty provisions of this article shall be performed at no charge to the vehicle or engine owner, at a warranty station, except in the case of an emergency when a warranted part or a warranty station is not reasonably available to the vehicle or engine owner. In an emergency, repairs may be performed at any available service establishment, or by the owner, using any replacement part. The manufacturer shall reimburse the owner for his or her expenses including diagnostic charges for such emergency repair or replacement, not to exceed the manufacturer's suggested retail price for all warranted parts replaced and labor charges based on the manufacturer's recommended time allowance for the warranty repair and the geographically appropriate hourly labor rate.

(5) Notwithstanding the provisions of subsection (4), warranty services or repairs shall be provided at all of a manufacturer's dealership which are franchised to service the subject vehicles.

(6) The vehicle or engine owner shall not be charged for diagnostic labor which leads to the determination that a warranted part is in fact defective, provided that such diagnostic work is performed at a warranty station.

(7) The vehicle or engine manufacturer shall be liable for damages to other vehicle components proximately caused by a failure under warranty any warranted part.

(8) Throughout the vehicle or engine's warranty period defined in subsection (c), the vehicle or engine manufacturer shall maintain a supply of warranted parts sufficient to meet the expected demand for such parts. The lack of availability of such parts or the incompleteness of repairs within a reasonable time period, not to exceed 30 days from the time the vehicle or engine is initially presented to the warranty station for repair, shall constitute an emergency for purposes of subsection (4).

(9) Any replacement part may be used in the performance of any maintenance or repairs. Any replacement part designated by a manufacturer may be used in warranty repairs provided without charge to the vehicle owner. Such use shall not reduce the warranty obligations of the vehicle or engine manufacturer, except that the vehicle or engine manufacturer shall not be liable under this article for repair or replacement of any replacement part which is not a warranted part (except as provided under subsection (7)).

(10) Any add-on or modified part exempted by the Air Resources Board from the prohibitions of Vehicle Code section 27156 may be used on a vehicle or engine. Such use, in and of itself, shall not be grounds for disallowing a warranty claim made in accordance with this article. The vehicle or engine manufacturer shall not be liable under this article to warrant failures of warranted parts caused by the use of an add-on or modified part.

(11) The Executive Officer may request and, in such case, the vehicle or engine manufacturer shall provide, any documents which describe that manufacturer's warranty procedures or policies.

(e) Commencing with 2018 models intended for sale in California, each manufacturer shall furnish with each new vehicle or engine written instructions for the maintenance and use of the vehicle or engine by the owner.

(f) Commencing with 2018 models intended for sale in California, each manufacturer shall furnish with each new vehicle or engine a list of the warranted parts installed on that vehicle or engine. The list shall include those parts included on the Air Resources Board "Emissions Warranty Parts List," dated December 14, 1978, as amended on February 22, 1985, and incorporated herein by reference.

(g) Each manufacturer shall submit the documents required by sections (e) and (f), with the manufacturer's preliminary application for new vehicle or engine certification for approval by the Executive Officer. The Executive Officer may reject or require modification of the manufacturer's list of warranted parts to ensure that each such list is of proper scope and also may reject or require modification of any of the documents required by subsection (e). Approval by the Executive Officer of the documents required by subsections (e) and (f), shall be a condition of certification. The Executive Officer shall approve or disapprove the documents required by subsections (e) and (f), within 90 days of the date such documents are received from the manufacturer. Any disapproval shall be accompanied by a statement of the reasons therefore. In the event of disapproval, the manufacturer may petition the Board to review the decision of the Executive Officer.

(h) Notwithstanding subsection (f), the Executive Officer may delete any part from a manufacturer's list of warranted parts provided in the manufacturer demonstrates to the Executive Officer that:

(1) Failure of such part will not increase the emissions of any vehicle or engine on which it is installed, and

(2) Any deterioration of drivability or performance which results from failure of the part could not be corrected by adjustments or modifications to other vehicle components.

(i) Exclusions.

(1) The repair or replacement of any warranted part otherwise eligible for warranty coverage under subsection (d), shall be excluded for such warranty coverage if the vehicle or engine manufacturer demonstrates that the vehicle or engine has been abused, neglected, or improperly maintained, and that

such abuse, neglect, or improper maintenance was the direct cause of the need for the repair or replacement of the part.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code.
Reference: Sections 43106, 43204, 43205.5, 44004, 44010, 44011, 44012, 44015, and 44017, Health and Safety Code.

§ 2419.3 Evaporative Emissions Control System Warranty Statement.

(a) A manufacturer shall furnish a copy of the following statement with each new 2018 and subsequent model vehicle or engine, using those portions of the statement applicable to the vehicle or engine, unless otherwise authorized by the Executive Officer. The warranty statement shall generally describe the obligations and rights of vehicle or engine manufacturers and owners under this article.

CALIFORNIA EMISSION CONTROL WARRANTY STATEMENT

YOUR WARRANTY RIGHTS AND OBLIGATIONS

The California Air Resources Board (and manufacturer's name, optional) is pleased to explain the emission control system warranty on your (year) (off-highway recreational vehicle). In California, new off-highway recreational vehicles must be designated, built and equipped to meet the State's stringent anti-smog standards. (Manufacturer's name) must warrant the emission control system on your (off-highway recreational vehicle) for the periods of time listed below provided there has been no abuse, neglect or improper maintenance of your (off-highway recreational vehicle).

Your emission control system may include parts such as the carburetor or fuel-injection system, fuel tank, fuel hoses, carbon canister, and engine computer. Also included may be hoses, belts, connectors and other emission-related assemblies. Where a warrantable condition exists, (manufacturer's name) will repair your (off-highway recreational vehicle) at no cost to you including diagnosis, parts and labor.

MANUFACTURER'S WARRANTY COVERAGE:

[For 2018 and subsequent model off-highway recreational vehicles.]

- For 5 years, or XXXX miles, or XXX hours whichever comes first (or a longer period, optional);

-If any emission-related part on your (off-highway recreational vehicle) is defective, the part will be repaired or replaced by (manufacturer's name).

OWNER'S WARRANTY RESPONSIBILITIES:

- As the (off-highway recreational vehicle) owner, you are responsible for the performance of the required maintenance listed in your owner's manual. (Manufacturer's name) recommends that you retain all receipts covering maintenance on your (off-highway recreational vehicle), but (manufacturer's name) cannot deny warranty solely for the lack of receipts or for your failure to ensure the performance of a scheduled maintenance.

- Such an owner is responsible for presenting your (off-highway recreational vehicle) to a (manufacturer's name) dealer as soon as a problem exists. The warranty repairs should be completed in a reasonable amount of time, not to exceed 30 days.

- As the (off-highway recreational vehicle) owner, you should also be aware that (manufacturer's name) may deny you warranty coverage if your (off-highway recreational vehicle) or a part has failed due to abuse, neglect, improper maintenance or unapproved modifications.

If you have any questions regarding your warranty rights and responsibilities, you should contact (Insert chosen manufacturer's contact) at 1-XXX-XXXX or the California Air Resources Board at 9528 Telstar Avenue, El Monte, CA 91731.

(b) Each manufacturer shall submit the documents required by subsections (a) and (b) with the manufacturer's preliminary application for new vehicle or engine certification for approval by the Executive Officer. The Executive Officer may reject or require modification of the documents to the extent the submitted documents do not satisfy the requirements of subsections (a) and (b). Approval by the Executive Officer of the documents required by subsections (a) and (b) shall be a condition of certification. The Executive Officer shall approve or disapprove the documents required by subsections (a) and (b) within 90 days of the date such documents are received from the manufacturer. Any disapproval shall be accompanied by a statement of the reasons therefore. In the event of disapproval, the manufacturer may petition the Board to review the decision of the Executive Officer.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code.
Reference: Sections 43106, 43204, 43205, 44004, 44010, 44011, 44012, 44014, and 44015, Health and Safety Code.

§ 2419.4. New Off-Highway Recreational Vehicle Engine Evaporative Emission Standards, Enforcement and Recall Provisions, Warranty, Quality Audit, and New Engine Testing.

This section applies to off-highway recreational vehicles produced on or after

model year 2018, for sale, lease, use or introduction into commerce in California. Such an Off-highway recreational vehicle is subject to Title 13, California Code of Regulations, Chapter 2, Articles 2.1 through 2.3, and the incorporated Appendix A, "California In-Use Vehicle Emission-Related Recall Procedures, Enforcement Test Procedures, and Failure Reporting Procedures for 1982 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, Heavy-Duty Vehicles and Engines, and Motorcycles", which are incorporated by reference herein.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5 and 43210, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43107, 43205.5 and 43210, Health and Safety Code.

§2419.5 Evaporative System Testing and Certification Requirements.

(a) Requirement to Comply with All Other Applicable Codes and Regulations

Certification or approval of any equipment or evaporative emission control system by the Executive Officer does not exempt the equipment or evaporative emission control system from compliance with other applicable codes and regulations such as state and federal safety codes and regulations.

(b) Certification Requirements

(1) In order to facilitate off-highway vehicles certification, ARB will certify emissions-related parts relating to fuel hoses, fuel tanks, and venting control devices to the evaporative standards in section 2418(b)(1)(A) and section 2418 (c)(1), as applicable. Manufacturers of off-highway vehicles emissions-related parts that are intended to be referenced in an off-highway vehicles certification application must pre-certify emissions-related parts and obtain a component Executive Orders of Certification from the ARB. The component Executive Orders of Certification are then referenced in an off-highway vehicle certification application.

(2) For model years beginning in 2018, the off-highway recreational vehicle must be tested with the entire emissions control system as a complete vehicle. ARB will grant an Executive Order of Certification to off-highway recreational vehicles that meet performance standards in described in section 2418(b)(1)(A). Small-Volume Manufacturers will be granted an Executive Order of Certification for vehicles that certify to the evaporative emission design standards in section 2418(c)(1)

(3) A manufacturer must file an application of certification and comply with the administrative requirements to sell vehicles that are not required to perform emissions testing in California as specified in section 2418 (a)(1).

(4) To obtain an Executive Order of Certification for off-highway recreational vehicles under section 2418 (b)(1)(A), a manufacturer must:

(A) Test all evaporative families in accordance with the applicable test procedures, indicated in TP-933.

(B) Have measured emissions at or below the emissions standards listed sections 2418(b)(1)(A).

(C) Follow the evaporative emissions testing requirements in section 2418 (d).

(D) All safety precautions must be followed as described in TP-933 for testing of pressurized tanks.

(5) To obtain an Executive Order of Certification for small volume off-highway recreational vehicles to design-based standards section 2418(c)(1), a manufacturer must:

(A) Test all evaporative families in accordance with the applicable test procedures, indicated in TP-933.

(B) Have measured emissions at or below the emissions standards listed sections 2418(c)(1).

(C) Complete the installation as directed by the fuel hose, fuel tank, and carbon canister component or other venting component manufacturer and verify that the specifications contained within the referenced component Executive Order of Certification have been adhered to.

(1) Component Executive Order of Certifications can be obtained by following the procedures outlined in section 2767.1, Article 1, Chapter 15, Division 3, Title 13, California Code of Regulations, replacing all references to "section 2754" with "section 2418(c)(1)", incorporated by reference herein.

(D) Submit an application that includes the approved component Executive Order number or compliant emissions data for the emissions-related parts and any test data required for venting control.

(1) The manufacturer must document all emissions-related parts installed in the off-highway recreational vehicle and record the component Executive Order number or compliant emissions data for each part.

(2) In order to obtain a design-based certification the manufacturer must document that all requirements, as outlined, have been met.

(3) The manufacturer must submit a design-based certification application to the Mobile Source Operations Division Chief, Air Resources Board, electronically as specified by the MSOD Chief. Upon submission of a design-based certification application, the application will be reviewed and if all information is found to be true, accurate, and complete the Executive Order of Certification will be issued within 90 days. Once the Executive Order of Certification has been issued the off-highway recreational vehicle may be intended for sale in California.

(4) If the Executive Officer determines that a part for which an "approval" has been granted no longer meets the performance standards, the Executive Officer may deny, suspend or revoke the component Executive Order of Certification following provisions in subsection (d) of this Article.

(6) Certification using averaging may be used to obtain an Executive Order of Certification to sell off-highway recreational vehicles under section 2418 (f).

(A) Manufacturers certifying evaporative families using averaging must submit calculations detailing their annual production plans and certification test results including:

(1) Projected eligible sales

(2) Individual test results

(3) Final eligible sales as defined in (C) below

(4) Actual sales volume

(5) Calculated average model year emissions

(B) The manufacturer bears the burden of establishing, to the satisfaction of the Executive Officer, that the conditions upon which the Executive Order of Certification was issued were satisfied.

(C) Average evaporative family certification may be revoked based on review of end-of-year reports, follow-up audits, and any other verification steps considered appropriate by the Executive Officer.

(D) If any evaporative family is found to exceed the OHRV certification value all vehicles sold under that Executive Order of Certification will be considered non-compliant with this regulation.

(E) Maintenance of records.

(1) The manufacturer shall establish, maintain, and retain the following adequately organized and indexed records for each evaporative family:

(I) ARB evaporative family identification code,

(II) Projected sales volume for the model year, and

(III) Certification test results

(2) Records appropriate to establish the quantities of vehicles that constitute eligible sales for each evaporative family.

(3) The manufacturer shall retain all records required to be maintained under this section for a period of eight years from the due date for the end-of-model year report. Records may be retained as hard copy, CD-ROM, diskettes, and so forth, depending on the manufacturer's record retention procedure; provided, that in every case all information contained in the hard copy is retained.

(4) Nothing in this section limits the Executive Officer's discretion in requiring the manufacturer to retain additional records or submit information not specifically required by this section.

(5) A manufacturer shall submit all information requested by the Executive Officer within 30 days of the date of such request.

(6) The Executive Officer may revoke or suspend the Executive Order of Certification for an evaporative family for which the manufacturer fails to retain the records required in this section or to provide such information to the Executive Officer upon request. No new Executive Orders of Certification will be issued to the manufacturer until the requested records are made available and/or a plan that describes the records to be retained as required by this section is approved by the Executive Officer.

(F) Final report.

(1) Final reports must indicate the evaporative family, the vehicle sales volume, and the OHRV certification values required to calculate the average. The report must include a calculation of the average to show the value is below the standards in section 2418(b)(1)(A).

(2) The calculation of eligible sales is defined as shipments to distributors of products intended for sale in California.

(3) Unless otherwise approved by the Executive Officer, final reports must be submitted within 90 days of the end of the model year to: Chief, Mobile Source Operations Division, Air Resources Board, 9528 Telstar, El Monte, CA 91731.

(4) Failure by a manufacturer to submit any final reports in the specified time for any vehicle subject to regulation under this section is a violation of this section for each vehicle in the evaporative family covered by the report.

(c) Evaporative Testing Requirements

(1) Compliance Test Procedures.

(A) The Executive Officer may, with respect to any new off-highway recreational vehicle evaporative family being sold, offered for sale, or manufactured for sale in California, order an off-highway recreational vehicle manufacturer or evaporative system builder to make available for compliance testing and/or inspection a reasonable number of off-highway recreational vehicles. Unless otherwise directed by the Executive Office, the off-highway recreational vehicle(s) shall be delivered to the Haagen-Smit Laboratory located at, 9528 Telstar Avenue, El Monte, California. The off-highway recreational vehicle must be selected at random from sources specified by the Executive Officer according to a method approved by the Executive Officer which, insofar as practical, must exclude an off-highway recreational vehicle that would result in an unreasonable disruption of the manufacturer's distribution system.

(B) Air Resources Board personnel shall have access to off-highway recreational vehicle assembly plants, or distribution facilities for the purposes of off-highway recreational vehicle selection and testing. Scheduling of access shall be arranged with the representative designated in the application for certification.

(C) All testing must be conducted in accordance with the applicable model year evaporative emission test procedures. Any evaporative emission control system parameters must be set to values or positions that are within the range available to the ultimate purchaser as determined by ARB. No break-in or modifications, adjustments, or special preparation or maintenance will be allowed on off-highway recreational vehicles chosen for compliance testing without the written consent of the Executive Officer.

If the Executive Officer consents to break-in or modifications, adjustments, or special preparation or maintenance, they will be performed by the off-highway recreational vehicle manufacturer under the supervision of ARB personnel.

(D) Correction of damage or maladjustment that may reasonably be found to have resulted from shipment of the off-highway recreational vehicle is permitted only after an initial test of the off-highway recreational vehicle. The off-highway recreational vehicle manufacturer may request that the off-highway recreational vehicle be repaired from shipping damage, and be retested. If the Executive Officer concurs, the off-highway recreational vehicle may be retested, and the original test results may be replaced by the after-repair test results.

(E) The off-highway recreational vehicle(s) must be randomly chosen from the selected evaporative families according to the criteria specified herein. The off-highway recreational vehicle must be representative of the off-highway recreational vehicle manufacturer's California sales. The off-highway recreational vehicle will be selected from the end of the assembly-line. The selected off-highway recreational vehicle must pass the inspection test, by being equipped with the appropriate emission control systems as documented in the approved Executive Order of Certification for the evaporative family.

(F) Off-highway recreational vehicles scheduled for compliance testing shall be selected, tested, and evaluated in accordance with TP – 933, adopted [adoption date]. The evaporative family will be deemed to have passed the compliance testing if all test results are equal or below the applicable standard. The evaporative family will be deemed to have failed the compliance testing if the test result is above the OHRV certification value.

(G) If the off-highway recreational vehicle selected for inspection fails an evaporative emission test as determined by subsection (b) above, or fails to conform to the labeling requirements of section 2419.1, the Executive Officer shall notify the manufacturer in accordance with subsection (c)(2), below.

(2) Notification of Failure

If compliance testing identifies vehicles that do not meet the standards set out in subsection (b) above, or that do not conform to the evaporative emission standards of section 2418, the Executive Officer will notify the EO Holder covering the vehicles. The Executive Officer shall also notify such an EO Holder that the Executive Order of Certification may be suspended or revoked. The EO Holder shall have 30 calendar days in which to notify the Executive Officer of their intent to provide additional information and/or independent test results for five tanks, engines, or equipment that document compliance of the evaporative family. The Executive Officer will consider all relevant information provided by the manufacturer, and other interested parties, including, but not limited to corrective actions applied to the noncompliant evaporative family.

(d) Suspension and Revocation of Executive Orders of Certification.

(1) The Executive Officer shall not revoke or suspend the Executive Order of Certification, without considering any information provided by the EO holder of such certification pursuant to subsection (b).

(2) If the results of the compliance testing indicate that the failed off-highway recreational vehicle of a particular evaporative family are produced at one plant, the Executive Officer may elect to suspend the Executive Order of Certification with respect to that off-highway recreational vehicle manufactured at that plant.

(3) Notwithstanding the foregoing, the Executive Officer may suspend a vehicle or component Executive Order of Certification, in whole or in part, effective upon written notice to the EO holder if the Executive Officer finds that:

(A) the EO holder has refused to comply with any of the requirements of this section; or

(B) the EO holder has submitted false or incomplete information in any report or information provided to the Executive Officer under this section; or

(C) the EO holder has rendered inaccurate any test data submitted under this section; or

(D) that ARB personnel have been denied the opportunity to conduct activities authorized under this section to the EO holder; or

(E) that ARB personnel were unable to conduct activities authorized in this Article because the facility is located in a foreign jurisdiction where local law prohibits those activities.

(4) The Executive Officer may revoke an Executive Order of Certification for an evaporative family after the Executive Order of Certification has been suspended pursuant to subsection (1) or (2) of this section if the proposed remedy for the nonconformity, as reported by the EO holder to the Executive Officer, is one requiring a design change or changes to the evaporative emission control system as described in the application for certification of the affected evaporative family.

(5) Once an Executive Order of Certification for a failed evaporative family has been suspended pursuant to subsection (1), (2) or (3) of this section, the EO

holder must take the following actions before the Executive Officer will consider reinstating the Executive Order of Certification:

(A) submit a written report to the Executive Officer that identifies the reason for the noncompliance of the off-highway recreational vehicle, describes the proposed remedy, including a description of any proposed quality control and/or quality assurance measures to be taken by the EO holder to prevent future occurrences of the problem, and states the date on which the remedies will be implemented; and

(B) demonstrate that the evaporative family for which the Executive Order of Certification has been suspended does in fact comply with the regulations of this part by testing an off-highway recreational vehicle. The results must meet the "Pass" criteria in subsection (b). Such testing must comply with the provisions of this section.

(6) Once the Executive Order of Certification has been revoked for an evaporative family, if the EO holder desires to continue introduction into commerce of a modified version of that evaporative family, then the EO holder must:

After implementing the change or changes intended to remedy the nonconformity, demonstrate that the modified evaporative family does in fact conform to the applicable standards of this Article by having five off-highway recreational vehicles from the modified evaporative family tested following TP-933, unless such testing is waived by the Executive Officer.

(7) To permit an EO holder to avoid storing non-test off-highway recreational vehicles while conducting subsequent testing of the noncomplying evaporative family, an EO holder may request that the Executive Officer conditionally reinstate the Executive Order of Certification for that evaporative family.

(e) Tampering/Tamper resistance

(1) Manufacturers must design off-highway recreational vehicle evaporative emissions control systems in such a way that they are resistant to tampering or removal.

(A) Any canister used to capture evaporative emissions from an off-road motorcycle must be mounted so it does not protrude from the vehicle such that it is prone to damage in a tip over.

(B) If the canister installed on an off-road motorcycle is outside what would otherwise be the cross-sectional profile of the vehicle, or if the canister installed on an off-highway recreational vehicle, except off-road motorcycles, and is visible to someone standing next to the vehicle when

the vehicle is completely assembled then the canister must be mounted and special tools must be required for removal of emissions-related parts. Additionally, the attachments for the vapor lines must use hose clamps that cannot be removed using convention tools (e.g. screwdriver, conventional wrenches, hexagonal sockets, standard clamping pliers, etc.). Otherwise, conventional fasteners can be used.

(2) The evaporative system must be designed in such a way that tampering/disassembling is not needed to conduct normal functions. Normal functions include routine maintenance and refueling of the off-highway recreational vehicle.

(3) Rebuilt engines must follow the requirements of part 1068.120, Title 40, Code of Federal Regulations.

(4) Vehicle owners are responsible for confirming all add-on or modified parts installed on vehicles are compliant with emission standards.

(A) Manufacturers must publish the following statement in the owner's manual to inform vehicle owners of California regulations that prohibit tampering with emission control systems: "*An Add-on or modified part must be compliant with applicable CARB emission control standards. A violation of this requirement is punishable by civil and/or criminal punishment.*"

(5) Manufacturers must include a vehicle tampering statement for all new off-highway recreational vehicles certified to a standard set out in this Article informing vehicle owners of laws that prohibit tampering. This may be accomplished by attaching a tag to the vehicle or owner's manual.

(A) The vehicle tampering statement text must be printed in the English language, and use block letters and numerals, which shall be of a color that contrasts with the background.

(B) The vehicle tampering statement text must be large enough to be clearly legible.

(C) The vehicle tampering statement shall include a warning statement that reads "*The removal or modification of emission-related parts on this off-highway recreational vehicle is illegal. Violators may be subject to civil and/or criminal penalties as provided under California and federal law.*"

(D) If a removable tag is used the vehicle tampering statement must be fastened in a way that it is destroyed upon removal. The tag must also include an additional statement that reads "*This tag may not be removed under penalty of law except by the vehicle owner*"

(6) Any tampering, removal or modifications of the evaporative emissions control system is prohibited under part 1068.101(b)(1), Title 40, Code of Federal Regulations.

(A) Peace officers are given the authority to enforce illegal vehicle tampering by section 27156 of the California Vehicle Code.

(B) Section 27156 of the California Vehicle Code prohibits the installation of any add-on or modified emission-related part on any pollution-controlled off-highway recreational vehicle, unless the part has been exempted by ARB. ARB exempts an off-road motorcycle part from the prohibition of VC 27156 if the part is found to do either of the following: 1) not reduce the effectiveness of any required emission control device on the off-road motorcycle or 2) demonstrate that the applicable emission standards are being met when the part(s) are installed on the off-road motorcycle. Sale or installation of any aftermarket part or parts, which could potentially affect the evaporative system, in California without an ARB approved Anti-Tampering Exemption is prohibited as stated in sections 2470 – 2476, Article 7, Chapter 9, Division 3, Title 13 of the California Code of Regulations.

(f) Inspection

The Executive Officer, or an authorized representative of the Executive Officer, may periodically inspect any facility which manufactures off-highway recreational vehicles, manufactures engines, or manufactures evaporative emission control components, technology, or systems subject to this Article as deemed necessary to ensure compliance with these regulations. Failure of a manufacturer, distributor, retailer or other person subject to this Article to allow access for inspection purposes shall be grounds for suspension or revocation of an Executive Order of Certification.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013. §17 CCR 2474 . Section 27156 Vehicle Code